

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

SULEIMAN ABDULLAH SALIM, et al.,

Plaintiffs,

vs.

JAMES E. MITCHELL and JOHN
JESSEN,

Defendants.

No. CV-15-0286-JLQ

ORDER GRANTING
MOTION TO SET TIME TO
FILE ANSWER

BEFORE THE COURT is "Defendants' Unopposed Motion to Set Time to File Answer" (ECF No. 41)(hereafter the "Motion") and Motion to Expedite (ECF No. 43). The Motion argues additional time is required to file an Answer because defense counsel cannot adequately communicate with their clients at this time concerning the specific factual allegations in the Complaint due to nondisclosure agreements ("NDA") between the CIA and Defendants. The parties are not in agreement as to when the Answer is currently due, apparently due to a dispute in the interpretation of Fed.R.Civ.P. 12(a)(4). Plaintiffs contend the Answer was due May 6th, Defendants contend it is due May 12th. However, Plaintiffs are in agreement Defendants may have additional time to Answer.

The Motion and supporting Declaration of counsel (ECF No. 42) state Plaintiffs' counsel has agreed to a deadline for filing the Answer that is 30-days after the parties and the Government come to an agreement on discovery procedure. The court has ordered the proposed discovery plan be filed by May 23, 2016. Thirty days after that date is June

22, 2016. The Motion also states defense counsel has been in communications with Department of Justice attorney Andrew Warden concerning the NDA and has requested a copy of the NDA and guidance concerning its scope. The United States has filed a Statement of Interest (ECF No. 33) in this case and Mr. Warden appeared at the hearing on the Motion to Dismiss. The Motion does not state that Mr. Warden has agreed to provide the NDA, or refused to provide the NDA, only that Defendants "have not yet received" the NDA. (ECF No. 41 p. 6-7).

IT IS HEREBY ORDERED:

1. Defendants' Motion to Expedite (ECF No. 43) is **GRANTED**.

2. Defendants' Motion to Set Time to File Answer (ECF No. 41) is **GRANTED**.

Defendants shall file an Answer to the Complaint on or before **June 22, 2016**.

3. On or before **May 23, 2016**, the United States, through Mr. Warden, shall file a Statement as to its position on providing the NDA to defense counsel and also its position on providing the contract between Defendants and the CIA that was discussed at the in-court hearing, and the time for providing such documents.

IT IS SO ORDERED. The Clerk shall enter this Order and furnish copies to counsel.

Dated this 12th day of May, 2016.

s/ Justin L. Quackenbush
JUSTIN L. QUACKENBUSH
SENIOR UNITED STATES DISTRICT JUDGE